

ATTACHMENT 1

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS)	MDL No. 2419
LIABILITY LITIGATION)	
Plaintiffs,)	Docket No. 1:13-md-2419 (RWZ)
)	
This document relates to:)	
)	
Armetta, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14022-RWZ)	
)	
Bowman, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	<u>ORDER REGARDING DEFENDANTS</u>
No. 1:14-cv-14028-RWZ)	<u>BOX HILL SURGERY CENTER, LLC,</u>
)	<u>RITU T. BHAMBHANI, M.D., AND</u>
Davis, et al. v. Box Hill Surgery Center, LLC,)	<u>RITU T. BHAMBHANI, M.D., LLC'S</u>
et al.)	<u>MOTIONS TO DISMISS</u>
No. 1:14-cv-14033-RWZ)	
)	
Dreisch, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14029-RWZ)	
)	
Farthing, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14036-RWZ)	
)	
Kashi, et al. v. Box Hill Surgery Center, LLC,)	
et al.)	
No. 1:14-cv-14026-RWZ)	
)	
Torbeck, et al. v. Box Hill Surgery Center,)	
LLC, et al.,)	
No. 1:14-cv-14023-RWZ)	
)	
Handy v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14019-RWZ)	

UPON CONSIDERATION of Defendants Box Hill Surgery Center, LLC, Ritu T. Bhambhani, M.D., and Ritu T. Bhambhani, M.D., LLC's Motions to Dismiss the claims in the above-captioned actions and the Stipulation submitted by the parties regarding the same, it is hereby this _____ day of _____, 2015, ORDERED that:

- (1) Defendants' Motions to Dismiss as to claims for Battery, *Respondeat Superior*, and Civil Conspiracy are hereby GRANTED and the same claims are DISMISSED;
- (2) Defendants' Motions to Dismiss as to claims for Negligence, Informed Consent, Wrongful Death, and Loss of Consortium are hereby DENIED;
- (3) The Plaintiffs will hereby have forty-five (45) days from the date of this order to file their oppositions to Defendants' Motions to Dismiss as to claims for Strict Liability, violations of Maryland's Consumer Protection Statutes, violations of Massachusetts' Consumer Protection Statutes, and claims for Punitive Damages and the Defendants will have thirty (30) days from the date of Plaintiffs filing to reply.
- (4) Argument for the above matter will be scheduled for the July, 2015, NECC Status Conference hearing.

The Honorable Rya Zobel
U.S. District Court, District of Massachusetts

cc: Patricia Kasputys
Sharon Houston
Michael Coren
Gregory K. Kirby